

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

Track Three Cases

MDL 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**PLAINTIFFS' SUBMISSION PURSUANT TO SECTION III(C)
OF THE TRACK THREE ABATEMENT PHASE TRIAL ORDER:
OBJECTIONS TO WITNESSES OR EXHIBITS**

On April 11, 2022, Plaintiffs and Defendants exchanged their exhibit lists for the CT3 abatement phase trial. Plaintiffs' exhibit list totaled 13 documents while Defendants' exhibit lists totaled 2,136 documents.

Plaintiffs do not object to the authenticity of any of the documents on Defendants' exhibit lists. However, Plaintiffs reserve their rights to object at trial to any document based on relevance or for which Defendants do not have a witness who is capable of laying the evidentiary foundation for admitting the document. Because of the large number of exhibits on Defendants' lists, it would be a time-consuming task to go through each exhibit for purposes of determining the lack of foundation objection.

Additionally, on April 22, CVS attempted to amend its witness list to include William Boyd. Plaintiffs immediately objected to Mr. Boyd being added to CVS's witness list as specified in Peter Weinberger's April 22 email to the Court, Special Master Cohen, and Defendants. Plaintiffs and CVS have discussed this issue with Special Master Cohen and

Plaintiffs await CVS's decision on whether it will remove Mr. Boyd from its witness list or it will produce Mr. Boyd's custodial file pursuant to Section III (A)(2) of the trial order.

Respectfully submitted,

Jayne Conroy
SIMMONS HANLY CONROY
112 Madison Avenue, 7th Floor
New York, NY 10016
(212) 784-6400
(212) 213-5949 (fax)
jconroy@simmonsfirm.com

Joseph F. Rice
MOTLEY RICE LLC
28 Bridgeside Blvd.
Mt. Pleasant, SC 29464
(843) 216-9000
(843) 216-9290 (Fax)
jrice@motleyrice.com

Paul T. Farrell, Jr., Esq.
FARRELL & FULLER LLC
1311 Ponce de Leone Ave., Suite 202
San Juan, PR 00907
(304) 654-8281
paul@farrellfuller.com

Plaintiffs' Co-Lead Counsel

W. Mark Lanier
LANIER LAW FIRM
10940 W. Sam Houston Pkwy N., Ste 100
Houston, TX 77064
(713) 659-5200
(713) 659-2204 (Fax)
wml@lanierlawfirm.com

Trial Counsel

/s/ Peter H. Weinberger

Peter H. Weinberger (0022076)
SPANGENBERG SHIBLEY & LIBER
1001 Lakeside Avenue East, Suite 1700
Cleveland, OH 44114
(216) 696-3232
(216) 696-3924 (Fax)
pweinberger@spanglaw.com

Plaintiffs' Liaison Counsel

Frank L. Gallucci
PLEVIN & GALLUCCI CO., L.P.A.
55 Public Square, Suite 2222
Cleveland, OH 44113 (216)
861-0804
(216) 861-5322 (Fax)
FGallucci@pglawyer.com

Hunter J. Shkolnik
Salvatore C. Badala
NAPOLI SHKOLNIK
270 Munoz Rivera Avenue, Suite 201
Hato Rey, Puerto Rico 00918
(787) 493-5088, Ext. 2007
hunter@napolilaw.com
sbadala@napolilaw.com

*Counsel for Plaintiffs Lake County and
Trumbull County, Ohio*

CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2022, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF system.

/s/Peter H. Weinberger

Peter H. Weinberger